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PATENT
Attorney Docket No. VM7036492003
Varian No. 03-036

REMARKS

Amendments to claims 1, 9, 29 and 35 are for the purpose of clarifying what Applicant regards as the invention. Amendment to claim 2 is to bring this claim into conformity with the language of its base claim. Amendments to claims 4 and 5 are to change claim dependencies, and to bring these claims into conformity with the language of their base claim. No new matter has been added.

I. CLAIM REJECTIONS UNDER U.S.C. § 102

Claims 1-3, 6, 9, 11-13, 15, 16, 18, 21-23, 25-27, 29, 31, 32, 34, 35, 37, 38, and 40 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 20020191751 (Bogatu). Applicants respectfully note that in order to sustain a claim rejection under § 102, each of the claimed elements must be found, either expressly or inherently, in the cited reference.

Claims 1 and 41

Claim 1 recites a first scintillating material that has a first radiation detection characteristic, and a second scintillating material that has a second radiation detection characteristic. Claim 41 recites a first photoconductor that has a first radiation detection characteristic, and a second photoconductor that has a second radiation detection characteristic. Bogatu does not disclose or suggest the above limitations. Rather, Bogatu discloses a filter set 74 and a detector array 22', wherein the filter set 74 has different filters 32, 34. Notably, neither element 32 nor element 34 of the filter set 74 is a scintillating material (e.g., a material that generates photons in response to radiation). Also, neither element 32 nor element 34 of the filter set 74 is a photoconductor (e.g., a material that generates electron-hole-pairs in response to radiation). For at least the foregoing reasons, claims 1 and 41, and their respective dependent claims, are believed allowable over Bogatu.

Claim 9

Claim 9 recites that each of the first conversion elements has a first *radiation-to-photon conversion* characteristic, and that each of the second conversion elements has a second *radiation-to-photon conversion* characteristic (Emphasis Added). Bogatu does not disclose or suggest the above limitations. Rather, Bogatu discloses a filter set 74 and a detector array 22',

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wherein the filter set 74 has different filters 32, 34. Notably, neither element 32 nor element 34 of the filter set 74 have a radiation-to-photon conversion characteristic. For at least the foregoing reason, claim 9 and its dependent claims are believed allowable over Bogatu.

Claim 18

Claim 18 recites a photoconductor layer configured to generate charges in response to radiation, the photoconductor layer having a plurality of first photoconductor elements and a plurality of second photoconductor elements, wherein each of the first photoconductor elements has a first charge generating characteristic, and each of the second photoconductor elements has a second charge generating characteristic. Bogatu does not disclose or suggest the above limitations. According to the Office Action, paragraphs 32 and 45, and figures 8a-8c of Bogatu allegedly discloses the above limitation. However, the cited passages disclose a filter set 74 and a detector array 22', wherein the filter set 74 has different filters 32, 34. Notably, elements 32, 34 are parts of the filter set 74, and are not parts of a photoconductor layer that is configured to generate charges in response to radiation, as recited in claim 18. For at least the foregoing reason, claim 18 and its dependent claims are believed allowable over Bogatu.

Claims 29 and 35

Claim 29 recites first and second filters that are coupled to a photoconductor layer. Claim 35 recites first and second filters that are coupled to a conversion layer. Bogatu does not disclose or suggest the above limitations. Rather, Bogatu discloses filters 32, 34 that are decoupled from array 22 (see figure 8A). For at least the foregoing reason, claims 29 and 35, and their respective dependent claims, are believed allowable over Bogatu.

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CONCLUSION

Based on the foregoing, all claims are believed in condition for allowance. If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7036492003. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7036492003.

Respectfully submitted,
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